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TACOPINA SEIGEL & DEOREO

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February 20, 2023

FILED BY ECF

Hon. Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Carroll v. Trump, 22 Civ. 10016 (LAK) (“Carroll II”)

Your Honor:

We write as counsel for Defendant Donald J. Trump to respectfully request a two-week adjournment of the deadlines for completion of expert discovery concerning Plaintiff's alleged emotional injuries. Importantly, the granting of this request would not require the adjournment of any additional deadlines, including the date of trial. Nonetheless, as set forth in email correspondence between the parties, a copy of which is annexed hereto as Exhibit A, Plaintiff has not consented to this request.

The reason for the adjournment is that our retained expert, Dr. Ian Lamoureux, sent us a letter at 10:16 pm last night stating that he can no longer serve as our testifying expert because of the Court ordered deadlines. A copy of the letter, which is attached hereto as Exhibit B, states:

Following Friday evening's email, Dr. Lamoureux continued to analyze the requested evaluation, and as part of these efforts had the opportunity to speak with Dr. Hayes about how we could proceed with the evaluation on Tuesday in a way that would still yield meaningful information to help render factually valid, honest, ethical opinions. After substantial discussion, it was determined that it would not be feasible. Psychometric testing requires a solid clinical interview to be valid, and the allotted time on Tuesday (February 21, 2023) would be insufficient to accomplish this.

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The critical issue before us is that, following extensive research and discussion during this holiday weekend, we have further updated and developed our understanding of the situation. We do not now believe that it would be ethically permissible for us to proceed with the evaluation as limited by the current court order. Though Dr. Lamoureux initially thought that it could be permissible to perform the evaluation on Tuesday and then rely upon record review to inform the remainder of his opinions, further analysis and discussion with senior colleagues has caused him to revise his initial belief, confirming instead that this is not possible. Simply put, we cannot ethically proceed with the evaluation as ordered by the Court.

Dr. Lamoureux's letter was an utter shock to us because he had assured us numerous times that he could complete the IME and expert report under the current deadlines. In fact, as late as Saturday afternoon, he confirmed that he could complete these tasks without delay. Notably, because our experts expressed their unavailability to conduct the IME this Wednesday, February 22nd, we inquired whether Plaintiff's counsel would produce her for such an examination on Monday, February 20th, by Zoom. On Saturday afternoon, after Plaintiff's counsel expressed they would not do so, we immediately sought and received confirmation from Dr. Lamoureux that he could nevertheless complete the required tasks within the current time frame. Thus, it cannot be sufficiently underscored that Dr. Lamoureux's letter of last night took us by surprise.

We want to assure the Court that counsel did not create this situation, and it arose solely from Dr. Lamoureux's sudden and unexpected change of heart.

We greatly appreciate the Court's consideration of this matter.

Respectfully submitted,



Joseph Tacopina

cc: All counsel by ECF